

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR MEETING
April 25, 2016**

The Chair, Ms. Reisling called the Board of Zoning Appeals meeting to order at 5:30p.m. at the Grove City Municipal Building, 4035 Broadway.

Roll was called and the following members were present:

John Brant

Kelly Reisling

George Holinga

Staff present: Director of Law Stephen Smith, Chief Building and Zoning Official Michael Boso, and Planning and Zoning Coordinator Laura Scott.

All representatives addressing the board were sworn in at this time. The Chair asked to add the nomination for a new chair to the agenda since this was our first meeting in 2016. This was noted by staff.

- 1) Ms. Reisling moved to approve the minutes from December 21, 2015. Second by Mr. Brant.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED**.

- 2) Ms. Reisling opened the nominations for a chair. Mr. Brant nominated Mr. Holinga to serve as the chair of the Board of Zoning Appeals. Seconded by Ms. Reisling.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED**.

The Chair moved to the next item.

- 3) Hear the appeal of Lora and Scott King, 5839 Copper Ct., Parcel # 040-011259 for the following variances:

- a) Section 1137.05(c); to increase the height of a fence in front of the 30-foot building setback from 42" to 60" exceeding the maximum height allowed by 18".
- b) to install a fence which encroaches the 30' building setback by 28'6" to the North and 22'6" to the South.
- c) to install a continuous fence on an interior lot, in front of the setback exceeding the 8 foot return.

Mrs. King explained they will amend their request for a 60" fence to a 48" fence which is necessary to protect their dogs and grandchild from busy Buckeye Parkway. They learned a 48" fence is required for pool barrier and they now plan to install a pool or spa. Mr. Boso confirmed there is a minimum 48" fence requirement for pools. Mrs. King stated they had met with the Service Director concerning the 25' utility easement and believed that something would be worked out in order to obtain an easement encroachment by maintaining a distance approximately 3- 5 feet from the storm drain. Mr. King said they plan to meet again soon now that the area is marked. Mr. Holinga asked about the proximity of the fence to the storm

sewer. Mr. Boso indicated any approval should be contingent upon obtaining an easement encroachment agreement. Mr. Smith described the purpose of the encroachment agreement.

Mr. Holinga asked about the deed restrictions and the communication from Mr. Dye from the Grant Run Homeowners Association. Mr. Smith indicated neither the city nor the Board of Zoning Appeals has the power to do anything in regards to deed restrictions. The Board of Zoning Appeals can only grant variances to City code.

Mr. King spoke of the discrepancy between the Grant Run zoning text and the deed restrictions. The Kings lot is #3. They prefer the zoning text (CR-45-00) which prohibits fences on lots 1 and 4 vs. the deed restrictions which prohibit fences on lots 1-4. When asked for guidance on this conflict, Mr. Smith suggested the Kings consult an attorney on the discrepancy. Mrs. King said they wanted to get the variance first then revisit the issue with the home owners association. Mrs. Scott explained we were working with standards in Section 1137.05 (c) which allows fences up to 42" and the zoning text which allows fences up to 48". A discussion followed on what types of fences were existing in Grant Run and where. Mrs. King acknowledged the issue of having two front yards by fronting on both Buckeye Parkway and Copper Ct. She told Mr. Brant the fence would not create any type of obstacle.

Mr. Brant asked if the Kings would be happy with a 42" fence. They felt 48" was better for the dogs. Kings stated electric dog fences were permitted and other had them but it was their experience they did not work on Huskies.

Mrs. Reisling asked if staff had received other correspondence from adjacent property owners, other than the letter of opposition received from the Grant Run Home Owners Association. Mrs. Scott said no.

4) Motion by Ms. Reisling to grant the appeal of Lora and Scott King, 5839 Copper Ct. to

a) Section 1137.05(c); to increase the height of a fence in front of the 30-foot building setback from 42" to 48" exceeding the maximum height allowed by 6". Second by Mr. Brant.

VOTE: Reisling, YES. Holinga, YES, Brant, YES; **APPROVED**.

5) Motion by Ms. Reisling to grant the appeal of Lora and Scott King, 5839 Copper Ct. to

b) to install a fence which encroaches the 30' building setback by 28'6" to the North and 22'6" to the South with the stipulation to obtain an easement encroachment agreement from the Service Director. Second by Mr. Holinga.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED**.

6) Motion by Ms. Reisling to grant the appeal of Lora and Scott King, 5839 Copper Ct. to

c) to install a continuous fence on an interior lot, in front of the setback exceeding the 8 foot return with the stipulation to obtain a fence permit. Second by Mr. Brant.

VOTE: Holinga, YES. Brant, YES, Reisling, YES; **APPROVED**.


The King's were reminded there is a 21-day waiting period.

There being no new business the Chair *moved* to adjourn at 5:50pm. Seconded by Mr. Brant.

Adjournment.



Ms. Reisling, Board Member



Laura Scott, Secretary

